

Appl. No. : 10/615,490
Filed : July 7, 2003

REMARKS

This paper amends Claims 7, 14, 17 and 20, and adds new Claims 30-32. Claims 1-6, 8-13, 15-16, 18-19 and 21-29 are unchanged. Claims 1-32 are pending. Reconsideration and allowance of the claims is respectfully requested. The amendments of Claim 7 and Claim 14 are for clarification, and not to narrow the claim or overcome the cited reference.

Discussion of the Rejection of Claims under 35 U.S.C. § 102(e)

Claims 1-29 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Nambu (U.S. Patent No. 6,801,626).

Applicant submits herewith a Rule 132 Declaration to overcome the Nambu patent. Specifically, Applicant submits a *Declaration under 37 C.F.R. § 132 to Overcome Nambu* by Gerd Leuchs. Professor Leuchs is Director of the Max Planck Research Group for Optics, Information and Photonics at Erlangen, Germany, and is the co-editor of two recent books, *Quantum Information Processing* and *Lectures on Quantum Information*. Professor Leuchs is therefore one skilled in the technology. He is not an inventor of the claimed invention, and does not have an interest in the outcome of this application.

The *Declaration* traverses the rejection of Claims 1-32 by the Nambu reference (37 C.F.R. § 1.132 and M.P.E.P. § 716). According to Professor Leuchs, the Office Action incorrectly characterizes the Nambu reference, and every limitation of the independent claims is not disclosed by Nambu. Therefore, it is submitted that Claims 1-32 are distinguished from Nambu and are patentable.

Dependent Claims

Claims 2-13, 15-16, 18-19 and 21-32 are dependent either directly or indirectly on the above-discussed independent claims. Applicant respectfully submits that pursuant to 35 U.S.C. § 112, ¶4, the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own patentable features, and are therefore in condition for allowance. Therefore, Applicant respectfully requests the withdrawal of all claim rejections and prompt allowance of the claims.

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New Claims

New Claims 30-32 have been added. Claims 30-32 are supported by at least paragraphs [0015] on page 16, [0044] on page 8 and [0051] on page 10 of the specification. Applicant respectfully submits that the new claims are patentable, for at least the reason that Nambu only discloses the encoding of the discrete (binary) values of zero and one.

Conclusion

In view of the foregoing remarks, Applicant respectfully submits that the claims of the above-identified application are in condition for allowance. However, if the Examiner finds any impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 3/6/07

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